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Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

## UNITED STATES DISTRICT COURT

for the

District of

Division

CV 18 - 454 TUC BPV

Case No.

(to be filled in by the Clerk's Office)

Rose Ann Karam

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

The United States Department of Health and Human  
Services (HHS), Office for Civil Rights

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

## COMPLAINT FOR A CIVIL CASE

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Rose Ann Karam
Street Address	3501 N. Camino Esplanade
City and County	Tucson, Pima County
State and Zip Code	Arizona 85750
Telephone Number	520-730-8802
E-mail Address	rosekaram@protonmail.com

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

## Defendant No. 1

Name	U.S. Department of Health and Human Services
Job or Title ( <i>if known</i> )	Office for Civil Rights
Street Address	200 Independence Avenue S.W., Room 729H
City and County	Washington, DC
State and Zip Code	District of Columbia 20201
Telephone Number	202-690-7453
E-mail Address ( <i>if known</i> )	HHS FOIA Public Liaison@hhs.gov

## Defendant No. 2

Name	
Job or Title ( <i>if known</i> )	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address ( <i>if known</i> )	

## Defendant No. 3

Name	
Job or Title ( <i>if known</i> )	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address ( <i>if known</i> )	

## Defendant No. 4

Name	
Job or Title ( <i>if known</i> )	
Street Address	
City and County	
State and Zip Code	
Telephone Number	

E-mail Address *(if known)* \_\_\_\_\_**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

5 USC §552, 5 USC §552 (a) (4) (B), 28 USC §1331, 5 USC §552 (f), 5 USC §552 (a) (6) (A), 5 USC §552 (a) (6) (C), 5 USC §552 (a) (3) (A)

**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

## 1. The Plaintiff(s)

## a. If the plaintiff is an individual

The plaintiff, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_.

## b. If the plaintiff is a corporation

The plaintiff, *(name)* \_\_\_\_\_, is incorporated under the laws of the State of *(name)* \_\_\_\_\_, and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

## 2. The Defendant(s)

## a. If the defendant is an individual

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The defendant, (name) \_\_\_\_\_, is a citizen of  
the State of (name) \_\_\_\_\_. Or is a citizen of  
(foreign nation) \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under  
the laws of the State of (name) \_\_\_\_\_, and has its  
principal place of business in the State of (name) \_\_\_\_\_.  
Or is incorporated under the laws of (foreign nation) \_\_\_\_\_,  
and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

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**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.



1. This is an action under the Freedom of Information Act (FOIA), 5 USC §552, for injunctive and other appropriate relief and seeking the disclosure and release of agency records pertaining to Plaintiff, (Rose Ann Karam), improperly withheld from her by the United States Health and Human Services Office for Civil Rights.
2. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 USC §552 (a) (4) (B). This Court also has jurisdiction over this action pursuant to 28 USC §1331. Venue lies in the district under 5 USC §552 (a) (4) (B).
3. Plaintiff is a resident of Tucson, Arizona.
4. Defendant The United States Department of Health and Human Services Office is a Department of the Executive Branch of the United States Government, and includes the Office for Civil Rights. The Office for Civil Rights is an agency within the meaning of 5 USC §552 (f).
5. FOIA office called at 202-690-7453 on February 28, 2018. Plaintiff was told processing time was "20 to 30 days" but since they were "short staffed" it could be "40". Call recorded with single-party consent. (See attached Exhibit A) *Exhibit A is pending motion to include CD of telephone call.* RP
6. By email dated February 28, 2018, addressed to foiarequest@hhs.gov, Plaintiff, requested copies of all records pertaining to investigations into complaints she filed with the Office for Civil Rights. (See attached Exhibit B)
7. By email dated March 1, 2018, Garfield Daley with the Department of Health and Human Services attached an acknowledgment letter (signed by Michael Bell, Deputy Director, FOI/Privacy Acts Division, HHS FOIA Public Liaison) regarding the FOIA request, advised Plaintiff that her FOIA request had been received and that it had been assigned Request Number 2018-00666-FOIA-OS. (See attached Exhibit C)
8. By phone call to 202-690-7453 dated May 8, 2018, message left requesting update on Request Number 2018-00666-FOIA-OS.
9. By email (from Michael.Bell@hhs.gov) dated May 10, 2018, Michael Bell, Deputy Director, FOI/Privacy Acts Division, HHS FOIA Public Liaison, advised Plaintiff that he sent "a reminder to that office that the request is overdue and to provide their response to our office." (See attached Exhibit D)
10. By email dated May 30, 2018, addressed to michael.bell@hhs.gov, Plaintiff requested clarification as to the time frame for the requested documents. (See Exhibit E)
11. By email dated June 11, 2018 addressed to michael.bell@hhs.gov, Plaintiff requested a time frame for the requested documents. (See attached Exhibit F)
12. More than 20 business days (closer to 136 business days) have passed since the Office of Civil Rights received Plaintiff's FOIA request, and it has not notified Plaintiff as to whether it will fully comply with her request. Thus, under 5 USC §552 (a) (6) (A) and 5 USC §552 (a) (6) (C), Plaintiff has exhausted the applicable administrative remedies with respect to her FOIA request. It is notable that the investigation into Case #18-293319 is not complete yet, but the documentation for the other 6 investigations could still be provided now. However, Plaintiff has not received any communications regarding any of the document requests since the May 8, 2018 email from Michael Bell, Deputy Director, FOI/Privacy Acts Division, HHS FOIA Public Liaison.
13. Plaintiff has a right of prompt access to the requested records under 5 USC §552 (a) (3) (A) and the The United States Department of Health and Human Services Office for Civil Rights has wrongfully withheld the sought-after documents.

#### IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Wherefore, Plaintiff prays that this Court:

1. order Defendant to disclose the requested records in their entireties and make copies available to Plaintiff;
  2. provide for expeditious proceedings in this action;
  3. award Plaintiff his/her costs and reasonable attorneys fees incurred in this action; and
  4. grant such other relief as the Court may deem just and proper.
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## V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 09/12/2018

Signature of Plaintiff

Printed Name of Plaintiff

*Rose Ann Karam*

Rose Ann Karam

### B. For Attorneys

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address